

Beaver County
Planning & Zoning Commission
November 15, 2006
7:30 p.m.
County Commission Chambers

Minutes

Attendance: Robin Bradshaw, Chairman; Scott Bealer; Rowland Yardley; Jack McMullin; Dennis Miller; Roger Larsen; Craig Davis, Administrator; and Von Christiansen, Attorney.

Visitors: See Attached List

Minutes

The minutes from the October 18, 2006 meeting were reviewed. A motion was made by Scott Bealer, and seconded by Roger Larson, to approve the minutes. The motion passed unanimously.

Mt. Holly Club Concept Plan Review

Chairman Bradshaw asked Mr. Burton if he had any additional information for the board. He stated he did not. Chairman Bradshaw opened up the meeting to the public. He asked that comments not be repeated from last month and limited the input to 10 minutes. Allan Bradshaw discussed his view of access issues related to the property. He also brought up his concerns regarding procedure. Claudia Condor, representing PacifiCorp, expressed concerns regarding the potential impacts of the project to their downstream hydroelectric plant as well as impacts to the electrical system. Julia Moore expressed concerns regarding the project. Cindy Mackelprang, representing the Forest Service, expressed that the Forest Service has existing rights-of-ways and they have no intention of abandoning those rights. Dale Yardley from the Farm Bureau expressed concerns related to water. The Chairman closed the meeting to the public and turned the time over to CPB Development to respond to the public comments.

Craig Smith, representing CPB Development, addressed the access issue that was brought up. He expressed that the forum to address access issues is in a district court. He also stated that each entity owning property within the boundaries of the project has signed the application as required by ordinance. He discussed the requirements of the application.

Chairman Bradshaw has received 19 letters of opposition to the project, which he submitted to be included in the public record.

Dennis Miller asked a question regarding a letter from Allan Bradshaw. Von Christiansen responded that a court will have to answer the question, and that the Planning Commission does not have authority to make such decisions. However, he stated that the board may place a condition upon any approval of the concept plan with wording such as all established public rights of access must be preserved unless it is adjudged by a court of competent jurisdiction that no such public rights of access exist.

Dennis asked Robin if he knew how much actual water volume was available in the project area. The volume of water was discussed, but an actual volume was not determined. The question was asked if a concept plan may be approved without the water in place. Previous sub-divisions have been approved before the source of water was known

The commission continued their deliberations and discussed the following recommendations if the concept plan was to be approved:

- 1) Any established public rights of access upon Elk Meadows must be preserved, unless it is adjudged by a court of competent jurisdiction (through a quiet title or other proceeding) that no such public rights of access exist.

- 2) All established public rights-of-way must be preserved, unless they are lawfully vacated.
- 3) The Planning Commission and the County Engineer must approve an erosion plan including sediment ponds. Settling ponds will be built and maintained by CPB(Mt. Holly Club Partners) at North Fork and Box Canyon.
- 4) Approval and supervision by the Division of Water Quality at all stages of the development including a water system feasibility study and a sewer system feasibility study.
- 5) A certified water tester will test the quality of the water in the Beaver River & Bakers Canyon below the development prior to development and every three months thereafter. The developer will pay for the testing.
- 6) A water quantity monitoring station shall be installed at the Merchant Valley Dam or other site as determined by the County Engineer. The Developer will pay for the station.
- 7) Any Beaver County public water user will be compensated, share for share, for any water depletion resulting from water use in the development.
- 8) Beaver County and the developer shall enter into and approve a comprehensive development agreement.
- 9) Traffic impacts to SR-153 shall be approved by the Utah Department of Transportation.
- 10) Impacts to Beaver City Municipal Airport shall be reviewed in the development plan and with Beaver City.
- 11) The developer shall pay for any expenses incurred by Beaver County.
- 12) Approval shall be given by State Institutional Trust Lands for any of their land included in the project.
- 13) Approval by the Division of Wildlife Resources that the development will have no adverse impact on wildlife, or that such adverse impacts have been mitigated by the developer.
- 14) Impacts to the Beaver Valley Hospital shall be reviewed in development agreement.
- 15) The Council of Governments shall review and provide input to the development agreement.
- 16) Developer shall obtain a reclamation bond in an amount approved by the Beaver County Commission upon consultation with County Engineer.

A motion was made by Rowland Yardley to approve the Concept Plan with the above listed conditions. Roger Larsen seconded the motion. The motion passed by a vote of 4 in favor and 1 in opposition.

Milford Wind Corridor I, LLC Conditional Use Permit

Krista Kisch, Dave Cowen, and Mohit Dua from UPC Wind met with the board to request a Conditional Use Permit for a Electrical Generation Wind Farm. Krista gave the board an overview of UPC Wind and their project. The size of the project in two phases equals 320 MW with 128 wind turbines. Phase I will be operational by the end of 2008 and Phase II will be operational by the end of 2009. 2.5 MW Clipper Liberty Wind Turbines will be

used. The total height of the towers and blades is 420 feet.

The following conditions were discussed.

- 1) The entire Application including all maps, drawings statements and other documents received by the Planning Commission and Building Inspector are hereby incorporated into this permit.
- 2) This Conditional Use Permit is subject to compliance with all applicable codes.
- 3) The Public Service Commission and/or all Utah State Agencies with regulatory authority will approve the project.
- 4) Each turbine will be located a minimum of 2,640 feet from an existing home, unless that homeowner gives written permission to the project owner.
- 5) Each turbine will have a property line setback equal to the height of the tower plus the length of one blade plus ten percent.
- 6) Project owner will make an annual report to the Planning Commission to discuss compliance with the stated conditions including noise levels and dust concerns.
- 7) Towers will be painted a color compatible with adjacent land uses and approved by the FAA.
- 8) All Federal, State, and County laws, ordinances, rules, and regulations are strictly followed during construction of the project.
- 9) During construction of the project, roadways and constructions sites will be watered in order to control dust.
- 10) Property will be land stabilized with permanent vegetation. Property will not be grazed until it is stabilized. Property will not be overgrazed.
- 11) Tower lights will conform to FAA guidelines.
- 12) There will be no advertising on the towers.
- 13) Project will be developed with consultation of a wildlife biologist to mitigate impacts to wildlife.
- 14) Noise level ratings will be reported to the Planning Commission before construction begins.
- 15) One year following non-use of the project, or a lapse of the conditional use permit, all towers, turbines, and blades will be removed from the property. A reclamation bond will be posted to cleanup the project should the project be abandoned. Project will be reclaimed to 4 feet below grade.
- 16) If this operation is sold, the new owner must obtain a new permit taking into consideration property tax issues.
- 17) A leasehold or ownership interest in all applicable property must be demonstrated before any construction may take place.

A motion was made by Dennis Miller to recommend approval of the Conditional Use Permit to the Beaver County Commission with the above listed conditions. Scott Bealer seconded the motion. The motion passed unanimously.

There being no further business the meeting was adjourned.

